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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,860	09/30/2003	Stephen R. Whynot	15994RRUS01U (NORT10-0030	6275

7590	07/02/2007

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

EXAMINER
LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
07/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-SB/08)
    Paper No(s)/Mail Date *2/4/05, 7/30/04*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-20 are pending in this office action.

Information Disclosure Statement

2.   The information disclosure statements (IDS) submitted on 02/04/2005 and

07/30/2004 have been considered by the examiner.

Drawings

3.   The examiner accepts the drawings submitted 09/30/2003.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 2, 8, 9, 15, 16 and 18 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent 5,524,137 by Rhee (Rhee)

6.   With respect to Claim 1, Rhee teaches a method for providing multimedia

prompting in a communication system, comprising:

providing a first video clip to a video client, the first video clip comprising at least

a portion of a multimedia prompt, the multimedia prompt associated with a service

requested by the video client (Col. 5 lines 4-13: first video clip could be login prompt or video menu prompt);

receiving information from the video client (Col. 5 lines 4-19: user enters login information or menu selection); and

providing, in response to at least a portion of the information received from the video client, a second video clip to the video client (Col. 5 lines 4-19: in response to login, video menu prompt is provided, or in response to selected menu selection, corresponding video is returned).

7.   With respect to claim 2, Rhee further teaches providing first audio information associated with the first video clip and second audio information associated with the second video clip, the second audio information selected in response to at least a portion of the information received from the video client (Col. 5 lines 4-19 and Col. 3 lines 18-31: video prompts have corresponding audio prompts).

8.   With respect to claim 8, Rhee teaches a computer program embodied on a computer readable medium and operable to be executed by a processor, the computer program comprising computer readable program code for:

receiving information from a video client, the information associated with a service requested by the video client (Col. 5 lines 4-19: user enters login information or menu selection); and

providing a dynamic multimedia prompt to the video client, at least a portion of the dynamic multimedia prompt selected based at least partially on the information received from the video client (Col. 5 lines 4-19: in response to login, video menu

prompt is provided, or in response to selected menu selection, corresponding video is

returned).

9.   With respect to claim 9, Rhee further teaches wherein the computer readable

program code for providing the dynamic multimedia prompt comprises computer

readable program code for: providing a first video clip to the video client, the first video

clip comprising a portion of the multimedia prompt (Col. 5 lines 4-13: first video clip

could be login prompt or video menu prompt); and providing a second video clip to the

video client, the second video clip selected based at least partially on the information

received from the video client (Col. 5 lines 4-19: in response to login, video menu

prompt is provided, or in response to selected menu selection, corresponding video is

returned).

10.   With respect to claim 15, Rhee teaches an apparatus for multimedia prompting,

comprising:

       a memory operable to store a plurality of video clips, at least some of the video

clips associated with one or more services (Col. 2 lines 56-67: multi-media messaging

system includes storage used by storage processor to retrieve video prompts): ; and

       one or more processors (Col. 2 lines 49-67) collectively operable to:

       receive information from a video client, the information associated with one of the

services that is requested by the video client (Col. 5 lines 4-19: user enters login

information or menu selection); and

       provide a dynamic multimedia prompt to the video client, the multimedia prompt

comprising at least two of the video clips, at least one of the video clips selected based

at least partially on the information received from the video client(Col. 5 lines 4-19: in response to login, video menu prompt is provided, or in response to selected menu selection, corresponding video is returned).

11.   With respect to claim 16, Rhee further teaches wherein the one or more processors are collectively operable to provide the dynamic multimedia prompt by: providing a first video clip to the video client, the first video clip selected based at least partially on the service requested by the video client (Col. 5 lines 4-13: first video clip could be login prompt or video menu prompt); and providing a second video clip to the video client, the second video clip selected based at least partially on the information received from the video client (Col. 5 lines 4-19: in response to login, video menu prompt is provided, or in response to selected menu selection, corresponding video is returned).

12.   With respect to claim 18, Rhee further teaches the one or more processors are collectively operable to provide the dynamic multimedia prompt to the video client by providing first audio information associated with the first video clip and second audio information associated with the second video clip (Col. 5 lines 4-19 and Col. 3 lines 18-31: video prompts have corresponding audio prompts); the second audio information selected based at least partially on the information received from the video client (Col. 5 lines 4-19)

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 3, 4, 12, 13, 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rhee in view of U.S. Patent 6,201,562 by Lor (Lor).

15.   With respect to claim 3, Rhee teaches all the limitations of claim 2, but does not

explicitly disclose negotiating with the video client to identify one or more CODECs to be

used to communicate with the video client.

Lor teaches that communications involving video clients can include a negotiation

for the CODECS related to audio and video to be used for a particular session (Col. 8

lines 17-28).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Rhee and modify it as indicated by

Lor such that it further comprises negotiating with the video client to identify one or more

CODECs to be used to communicate with the video client. One would be motivated to

have this, as it is typically a part of communication protocols related to video client

devices, such as a video phone (In Lor: Col. 8 lines 17-28 and IN Rhee: Col. 2l ines 14-

29).

16.   With respect to claim 4, Lor further teaches the audio information and the video

clips are each compressed using one or more CODECs (In Lor Col. 8 lines 17-28 and

col. 10 lines 18-28); and negotiating with the video client comprises determining

whether the video client supports one or more of the CODECs used to compress the

audio information and the video clips (In Lor Col. 8 lines 17-28).

17.   With respect to claim 12, Rhee teaches all the limitations of claim 8, but does not

explicitly disclose negotiating with the video client to identify one or more CODECs to be

used to communicate with the video client.

Lor teaches that communications involving video clients can include a negotiation

for the CODECS related to audio and video to be used for a particular session (Col. 8

lines 17-28).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the program disclosed by Rhee and modify it as indicated

by Lor such that it further comprises computer readable program code for negotiating

with the video client to identify one or more CODECs to be used to communicate with

the video client. One would be motivated to have this, as it is typically a part of

communication protocols related to video client devices, such as a video phone (In Lor:

Col. 8 lines 17-28 and IN Rhee: Col. 2I ines 14-29).

18.   With respect to claim 13, Rhee further teaches the multimedia prompt comprises

a plurality of video clips each compressed using one or more CODECs (In Lor Col. 8

lines 17-28 and col. 10 lines 18-28); and the computer readable program code for

negotiating with the video client comprises computer readable program code for

determining whether the video client supports one or more of the CODECs used to

compress the video clips (In Lor Col. 8 lines 17-28).

19.   With respect to claim 14, Rhee further teaches wherein the computer readable

program code for determining whether the video client supports one or more of the

CODECs used to compress the video clips comprises computer readable program code

for determining whether one or more preferred CODECs were used to compress the

video clips (In Lor Col. 8 lines 17-28 and col. 10 lines 18-28: negotiations are for

preferable codecs based on available bandwidth).

20.   With respect to claim 19, Rhee teaches all the limitations of claim 18, but does

not explicitly disclose wherein the one or more processors are further collectively

operable to negotiate with the video client to identify one or more CODECs to be used

to communicate with the video client.

Lor teaches that communications involving video clients can include a negotiation

for the CODECS related to audio and video to be used for a particular session (Col. 8

lines 17-28).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the apparatus disclosed by Rhee and modify it as indicated .

by Lor such that it further comprises wherein the one or more processors are further

collectively operable to negotiate with the video client to identify one or more CODECs

to be used to communicate with the video client. One would be motivated to have this,

as it is typically a part of communication protocols related to video client devices, such

as a video phone (In Lor: Col. 8 lines 17-28 and IN Rhee: Col. 2l ines 14-29).

21.   With respect to claim 20, Rhee further teaches the audio information and the

video clips are each compressed using one or more CODECs (In Lor Col. 8 lines 17-28

and col. 10 lines 18-28); and the one or more processors are collectively operable to

negotiate with the video client by determining whether the video client supports one or

more of the CODECs used to compress the audio information and the video clips (In Lor

Col. 8 lines 17-28).

22.   Claims 5, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rhee in view of U.S. Patent 6,259,469 by Ejima et al. (Ejima).

23.   With respect to claim 5, Rhee teaches all the limitations of claim 1, and further

teaches the information received from the video client comprises a plurality of numerals

(In Rhee: Col. 5 lines 4-19: user would input telephone numbers for forwarding or

broadcasting, also login/password could include numerals).

Rhee does not explicitly disclose the second video clip comprises a plurality of

second video clips each displaying one of the numerals. Ejima teaches a plurality of

video clips each displaying a numeral from a telephone number entered by a user (Col.

16, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Rhee and modify it as indicated by

Ejima such that it further comprises the second video clip comprises a plurality of

second video clips each displaying one of the numerals. One would be motivated to

have this, as it is desirable to provide a confirmation of an entered number to the user

(In Ejima: Col. 16 lines 8-17).

24.   With respect to claim 10, Rhee teaches all the limitations of claim 9, and further

teaches the first video clip requests the information from a user of the video client (In

Rhee: Col. 5 lines 4-19: user would input telephone numbers for forwarding or

broadcasting, also login/password could include numerals).

Rhee does not explicitly disclose the second video clip displays the information

received from the video client. Ejima teaches a plurality of video clips each displaying a

numeral from a telephone number entered by a user (Col. 16, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the program disclosed by Rhee and modify it as indicated

by Ejima such that it further comprises the second video clip displays the information

received from the video client. One would be motivated to have this, as it is desirable to

provide a confirmation of an entered number to the user (In Ejima: Col. 16 lines 8-17).

25.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in

view of U.S. Patent Application Publication 2003/0232245 by Turak et al. (Turak).

26.   With respect to claim 6, Rhee teaches all the limitations of claim 1, but does not

explicitly disclose wherein the first video clip comprises a video clip of a person

requesting the information and a video clip of the person waiting for the information.

Turak teaches a video prompt can include a person asking the question (Page 2

[0023]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Rhee and modify it as indicated by

Turak such that it further comprises wherein the first video clip comprises a video clip of a person requesting the information and a video clip of the person waiting for the information. One would be motivated to have this, as it provides a design alternative to the typical presentation of a question through an interface (In Turak: Page 2 [0023]).

27.   Claims 7, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in view of U.S. Patent Application Publication 2003/0097332 by Golasinski et al. (Golasinski).

28.   With respect to claim 7, Rhee teaches all the limitations of claim 1, but does not explicitly disclose further comprising a third video clip requesting confirmation of the information received from the video client.

Golasinski teaches a video prompt requesting confirmation of information received from a video client (Page 6 [0046]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rhee and modify it as indicated by Golasinski such that it further comprises a third video clip requesting confirmation of the information received from the video client. One would be motivated to have this, as it is desirable for a user to be able to confirm that their input is correct (In Golasinski: Page 6 [0046]).

29.   With respect to claim 11, Rhee teaches all the limitations of claim 9, but does not explicitly disclose further providing a third video clip requesting confirmation of the information received from the video client.

Golasinski teaches a video prompt requesting confirmation of information received from a video client (Page 6 [0046]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the program disclosed by Rhee and modify it as indicated by Golasinski such that it further comprises compter readable program code for providing a third video clip requesting confirmation of the information received from the video client. One would be motivated to have this, as it is desirable for a user to be able to confirm that their input is correct (In Golasinski: Page 6 [0046]).

30.   With respect to claim 17, Rhee teaches all the limitations of claim 16, and further teaches the first video clip requests the information from a user of the video client (In Rhee: Col. 5 lines 4-19).

Rhee does not explicitly disclose the second video clip displays the information received from the video client and the one or more processors are further collectively operable to provide a third video clip requesting confirmation of the information received from the video client. Golasinski teaches a video prompt requesting numeric input from a user, subsequently displays the number, and provides a video prompt requesting confirmation of the entered information (Page 6 [0046]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Rhee and modify it as indicated by Golasinski such that it further comprises the second video clip displays the information received from the video client and the one or more processors are further collectively operable to provide a third video clip requesting confirmation of the

information received from the video client. One would be motivated to have this, as it is

desirable for a user to be able to confirm that their input is correct (In Golasinski: Page 6

[0046]).

Conclusion

31.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

32.   U.S. Patent 7,062,544 by Ollis. Discloses downloading of video prompts to a

video client from a centralized source.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Lazaro whose telephone number is 571-272-

3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David Lazaro
June 27, 2007